

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ERIK R. BLACK,

Plaintiff,

vs.

HOWARD SKOLNIK, et al.,

Defendants.

3:07-CV-0562-BES (RAM)

**ORDER**

Plaintiff has filed a Motion for Default Judgment (Doc. #13). Defendants have filed an Opposition to Motion for Default Judgment (Doc. #15) and Plaintiff has replied (Doc. #20).

On January 31, 2008, the court ordered the Complaint to be filed and directed the Clerk of Court to send a copy of the Complaint to the Office of the Nevada Attorney General and gave the Attorney General twenty (20) days to advise the court whether they could accept service for the named Defendants (Doc. #8). For whatever reason, this Order was not received by the Attorney General's Office. When this was brought to the court's attention, the court issued another Order on April 21, 2008, giving the Attorney General's Office an additional twenty (20) days to advise of acceptance of service (Doc. #11).

Plaintiff did not file the Motion for Default until April 25, 2008, four (4) days after the court's order permitting an additional twenty (20) days. When Plaintiff filed his Motion no Defendant was in default as the court had granted additional time to respond. Under these circumstances entering default judgment against Defendants would be improper.

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1 Plaintiff's Motion for Default Judgment (Doc. #13) is **DENIED**.

2 DATED: August 7, 2008.

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UNITED STATES MAGISTRATE JUDGE

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